

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LACY CHISOLM,

Petitioner,

v.

Case No. 10-12388
Honorable Avern Cohn

GREG MCQUIGGIN,

Respondent.

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**ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

I.

On June 17, 2010, Petitioner filed an application for writ of habeas corpus under 28 U.S.C. § 2254. Before the Court is Petitioner's "Motion for Appointment of Counsel." For the reasons that follow, the motion is **DENIED WITHOUT PREJUDICE**.

II.

There is no constitutional right to counsel in habeas proceedings. *Tapia v. Lemaster*, 172 F.3d 1193, 1196 (10th Cir. 1999). The decision to appoint counsel for a federal habeas petitioner is within the discretion of the court and is required only where the interests of justice or due process so require. *Mira v. Marshall*, 806 F.2d 636, 638 (6th Cir. 1986). "Habeas corpus is an extraordinary remedy for unusual cases" and the appointment of counsel is therefore required only if, given the difficulty of the case and the petitioner's ability, the petitioner could not obtain justice without an attorney, he could not obtain a lawyer on his own, and he would have a reasonable chance of winning with the assistance of counsel. See *Thirkield v. Pitcher*, 199 F.Supp.2d 637,

653 (E.D. Mich. 2002).

Here, the interests of justice, at this point in time, do not require appointment of counsel. 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8 (c).

Petitioner's motion will be reconsidered if, following receipt of Respondent's answer to the petition and the filing of the necessary Rule 5 materials, the Court determines, after a careful review of those materials, that appointment of counsel is necessary. Petitioner need not file any further motions.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: July 15, 2010

I hereby certify that a copy of the foregoing document was mailed to Lacy Chisolm, 337157 Chippewa Correctional Facility 4269 W. M-80 Kincheloe on this date, July 15, 2010, by electronic and/or ordinary mail.

S/Michael Williams
Relief Case Manager, (313) 234-5160